

JAK
04/04/2002
Item 34

AN ORDINANCE

95573

AMENDING CHAPTER 35 OF THE CITY CODE OF SAN ANTONIO
(UNIFIED DEVELOPMENT CODE) AS RECOMMENDED BY THE
PLANNING AND ZONING COMMISSIONS: AMENDMENT "A" -
REPLACING VARIOUS UNIFIED DEVELOPMENT CODE (UDC)
SECTIONS PERTAINING TO FLOODPLAIN ADMINISTRATION
WITH CROSS-REFERENCES TO APPENDIX F; AMENDMENT "B" -
REENACTING A PROVISION FROM THE FORMER UDC THAT
PERMITS THE MOVING AND RELOCATION OF BUILDINGS
AND STRUCTURES; AMENDMENT "C" - REVISING SETBACK
PROVISIONS FOR REVERSE CORNER LOTS SUCH THAT THE
SIDE SETBACK ADJACENT TO THE STREET WILL NOT HAVE
TO MEET THE FRONT SETBACK FOR THE LOT TO THE REAR;
AMENDMENT "D" - ADDING CLARIFICATION TO ADDRESS
ANCILLARY OR ACCESSORY USES IN THE "O-1" AND "O-2"
OFFICE ZONING DISTRICTS; AMENDMENT "E" - CORRECTING
TYPOGRAPHICAL ERRORS IN THE BED AND BREAKFAST SECTION
OF THE UDC, INCLUDING ADJUSTING THE NUMBER OF GUEST
ROOMS PERMITTED PER ESTABLISHMENT IN EACH ZONING
DISTRICT AND ADDING BED AND BREAKFASTS AS A PERMITTED
USE IN MULTIFAMILY ZONING DISTRICTS; AMENDMENT "G" -
ADDING DETAILED DESIGN SPECIFICATIONS FOR IRRIGATION
SYSTEMS IN AREAS WHERE SAN ANTONIO WATER SYSTEM IS THE
SERVICE PROVIDER; AMENDMENT "H" - DELETING AMBIGUOUS
LANGUAGE REGARDING THE SCOPE OF NEIGHBORHOOD,
COMMUNITY, AND PERIMETER PLANS THAT ARE RECOGNIZED
AS COMPONENTS OF THE CITY'S MASTER PLAN TO PROVIDE
CONSISTENCY BETWEEN ZONING AND THE MASTER PLAN IN
ACCORDANCE WITH CHAPTER 211 OF THE LOCAL GOVERNMENT
CODE, AND CORRECTING THE DATE OF ADOPTION OF THE
SOUTH CENTRAL SAN ANTONIO COMMUNITY PLAN TO REFLECT
THE DATE AT WHICH THE CITY COUNCIL OFFICIALLY ADOPTED
IT IN 1999; AMENDMENT "I" - CORRECTING THE SUBMITTAL
REQUIREMENTS FOR REZONING WITH A SPECIFIC USE PERMIT
BY DELETING THE REQUIREMENT TO SUBMIT A SORMWATER
MANAGEMENT PLAN; AND PROVIDING FOR NOTIFICATION.

* * * * *

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WHEREAS, the San Antonio City Council adopted the revised Unified Development Code (UDC) on May 3, 2001; and

WHEREAS, it was anticipated that in the adoption of the revised UDC, a methodology would be necessary to address errors, omissions and implementation difficulties, resulting in the creation of the Unified Development Code Technical Advisory Committee (UDCTAC) to recommend substantive and procedural changes of the revised UDC to the City Council; and

WHEREAS, the UDCTAC has recommended that 9 amendments be made to the UDC: And Commission; and

WHEREAS, the amendments pertaining to planning issues have been approved by the Planning Commission; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Amendment "A"

Chapter 35 Article IV, Division 6, Section 35-460 through 35-466 is hereby deleting the Language that is stricken (~~deleted~~) to the existing text of said section as follows:

Delete entire text covering "Division 6 - Floodplain Development Permits" (pages 4-99 to 4-93) and relocation of text to a new Appendix F.

Delete entire "Section 35-49 -Violations of Floodplain Development" (pages 4-119 to 4-121) and relocate to a new Appendix F.

Delete entire "Section 35-505 - Floodplains" (pages 5-57 to 5-69) and relocate to new Appendix F.

Delete entire "Section 35-522 - Floodplain Development Standards" (page 5-148) and relocate to new Appendix F.

Delete entire "Section 35-806 - Floodplain Administrator" (page 8-10) and relocate to new Appendix F.

SECTION 2. Amendment "B"

Chapter 35 Article III, Division 7 is hereby amended by adding the language that is underlined (added) to the existing text as follows:

35-389 Relocation of Building and Structures.

- (a) To be granted a request for a Special use permit to move or relocate a building or structure the request must meet the special exceptions contained in Section 35-482 (h).
- (b) The relocation of any building and structures, subject to the following conditions:
 - (1) Each house must be comparable in size and quality of construction and in condition to the average of the other homes in the area.
 - (2) The applicant shall comply with Article VI. (Historic Preservation and Urban Design) of this chapter and with all other applicable codes and ordinances.
 - (3) The use will comply to such other conditions, as the board may deem proper in harmony with section 801(g) of this chapter.
 - (4) Permits may be granted under this subsection for buildings, which the city's Historic and Design Review Commission has found to have historic and /or architectural significance and where said commission has made a favorable recommendation as to the relocation site. Such exception shall contain appropriate conditions as to repairs to be made. Provision of other codes of the city or of other chapters of this code shall not be waived.

Chapter 35 Article IV, Division 10, Section 35-482 is hereby amended by adding the language that is underlined (added) to the existing text as follows:

35-482 Zoning Variances

- (h) The zoning board of adjustment must find that a request for a special use permit meets each of the five following exceptions.
 - A. The Special Exception will be in harmony with the sprit and purpose of the chapter.
 - B. The public welfare and convenience will be substantially served.
 - C. The neighboring property will not be substantially injured by such proposed use.
 - D. The Special Exception will not alter the essential character of the district and location in which the property for which the Specific Use Permit is sought.

- E. The Special Exception will not weaken the general purpose if this district or the regulations herein established for the specific district.

The above findings of the board shall be incorporated into the official minutes of the board meeting in which the special use permit is authorized.

SECTION 3. Amendment "C"

Chapter 35 Article V, Division 4, Section 35-516 (entitled Setback and Frontage Regulations) is hereby amended by adding the language that is underlined (**added**) and by deleting the language that is stricken (**deleted**) to the existing text of said section as follows:

35-516 Setback and Frontage Regulations

(i) Reversed corner lots.

On reversed corner lots in all single family residential zoning districts within the city and single family subdivisions in the city's ETJ except ~~planned unit developments~~ Planned Unit Developments (PUDs), the side setback adjacent to the Street shall be at least equal to the front setback required for the lot to the rear.

SECTION 4. Amendment "D"

Chapter 35 Article III, Division 2, Section 35-310.9 (**entitled** "O-1" and "O-2" Office Districts) is hereby amended by adding the language that is underlined (**added**) to the existing text of said section as follows:

35-310.09 "O-1" and "O-2" Office Districts

(b) "O-1" Office Districts

(1) Purpose

The "O-1" district restricts uses primarily to offices and uses (for the purposes of this subsection, ancillary uses are those provided for the convenience of on-site tenants and which do not provide services or products to the general public) which do not have peak weeknight or weekend usage in order to provide a buffer between residential areas and more intensive uses.

"O-1" districts provide for the establishment of low to mid rise office buildings. Uses within an "O-1" district are limited to uses incidental to the needs of the occupants of the building and are not designed to serve a regional market area.

(c) "O-2" Office Districts

(2) Purpose

The "O-2" district provides a wider variety of office and accessory retail uses that are primarily designed to serve on-site tenants but may provide services or products to the general public as a secondary market in support of the building's primary office tenants in order to promote mixed uses and the internal capture of vehicular trips, while facilitating economic development. "O-2" districts provide for the establishment of low to high rise office buildings. Uses within an "O-2" district may serve a regional market area.

SECTION 5. Amendment "E"

Chapter 35 Article III, Division 2, Table 311-1 is hereby amended by adding the language that is underlined (added) and by deleting the language that is stricken (~~deleted~~) to the existing text of said section as follows:

35-311 Use Regulations

Table 311-1

TABLE 311-1 RESIDENTIAL USE MATRIX																			
PERMITTED USE	RC RP	RE	R-20	NP-15	NP-10	NP-8	R-6	RM-6	R-5	RM-5	R-4	RM-4	MF-25	MF-33	MF-40	MF-50	ERZD	LBCS FUNCTION	LCBS STRUCTURE
Dwelling - 1 Family (Attached Or Townhouse)	P							P		P		P	P	P	P	P	P	1000	1120
Dwelling - 1 Family (Detached)	<u>P</u>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1000	1110
Dwelling - 2 Family								P		P	P	P	P	P	P	P	P	1000	1121
Dwelling - 3 Family								P	P	P		P	P	P	P	P	P	1000	1203
Dwelling - 4 Family								P	P	P		P	P	P	P	P	P	1000	1204
Dwelling – Accessory (Carriage Houses, Granny Flats, Echo Homes)	P	P	P	P	P	P		P		p		p					P	1000	1130

SECTION 6. Amendment "F"

Chapter 35 Article III, Division 2, Table 311-1 is hereby amended by adding the language that is underlined (added) to the existing text of said section as follows:

35-311 Use Regulations

Table 311-1 RESIDENTIAL USE MATRIX

TABLE 311-1 RESIDENTIAL USE MATRIX																			
PERMITTED USE	RCD	RE	R-20	NP-15	NP-10	NP-8	R-6	RM-6	R-5	RM-5	R-4	RM-4	MF-25	MF-33	MF-40	MF-50	ERZD	FUNCTION	STRUCTURE
Bed And Breakfast			S	S	S	S	S	S	S	S	S	S	<u>S</u>	<u>P</u>	<u>P</u>	<u>P</u>	P	1310	—

Chapter 35 Article III, Division 2, Table 311-2 is hereby amended by adding the language that is underlined (added) to the existing text of said section as follows:

35-311 Use Regulations

Table 311-2 NON-RESIDENTIAL USE MATRIX

TABLE 311-2 NON-RESIDENTIAL USE MATRIX												
PERMITTED USE	O-1	O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	(LBCS Function)
<u>Housing</u>	<u>S</u>	<u>P</u>	<u>S</u>	<u>P</u>	<u>P</u>		<u>P</u>				<u>P</u>	<u>1310</u>

Chapter 35 Article III, Division, Section 35-374 (entitled "Bed and Breakfast") is hereby amended by adding the language that is underlined (added) and by deleting the language that is stricken (~~deleted~~) to the existing text of said section as follows:

35-374 Bed and Breakfast

(c) Number of guest rooms per structure

Zoning District	Number of Guest Rooms
RE, R-20, NP-15, NP-10, NP-8, R-6, RM-6	2
R-4, R-5, RM-5	1
, RM-4, MH	3
, MF-25,	5
MF-33, MF-40, MF-50, O-1, O-2	10
NC, C-1, C-2, D	12

SECTION 7. Amendment "G"

Chapter 35 Article V, Division 3, Section 35-510 (entitled ("Buffers")) is hereby amended by adding the language that is underlined (added) to the existing text of said section as follows:

35-510 Buffers Section

(j) Irrigation Required

Where an irrigation system is required, the irrigation system shall comply with the requirements of 30 TAC Chapter 344, §§ 344.72 – 344.77. No irrigation is required for a Type "N" buffer if no additional planting is required. An in ground irrigation system consisting of water lines, water emitters and a controller is required to have a separate meter service if the San Antonio Water System is the water purveyor. In addition to the above irrigation requirements the installation shall be designed in compliance with Section 35-511 Landscaping, Section (c) (6)

Chapter 35 Article V, Division 3, Section 35-511 (entitled ("Landscaping")) is hereby amended by adding the language that is underlined (added) to the existing text of said section as follows:

35-511 Landscaping

Section (c) (6)

Landscaped areas shall be irrigated with a system that is suitable for the type of plantings installed. Where an irrigation system is required, the irrigation system shall comply with the requirements of 30 TAC Chapter 344, §§ 344.72 – 344.77. An in ground irrigation system consisting of water lines, water emitters and a controller is required to have a separate meter service if the San Antonio Water System is the water purveyor. In addition to the above irrigation requirements the following is required:

A. Design Requirements:

1. Pressure

- (a) System to be designed to the lowest static pressure available an annual 12 month period.
- (b) If static pressure exceeds design pressure by 15 PSI or more in any zone a flow control device shall be installed.
- (c) Pressure at any point within a zone shall not vary by more than 10% from the design sprinkler operating pressure.

2. Provide Separate Zoning for:

- (a) Turf
- (b) Plants with dissimilar watering requirements

- (c) Areas with greater or lesser sun exposure
- (d) Slopes from flat/level areas (topographic information is required for zoning for slope and flat/level area design).
- 3. Sprinkler Head Spacing:
 - (a) Head spacing shall not exceed 50% of diameter
 - (b) Spacing shall make allowance for local wind conditions
 - (c) Trim perimeters with correct arc and radii selection to eliminate water thrown onto non-landscape areas
 - (d) Show radius/diameter and arc of coverage of a representative number of each type of sprinkler head.
- 2. Landscape water schedule –produce a water schedule for the landscape at a maximum of 80% ET (evapotranspiration) as determined by the local ET.

B. EQUIPMENT

- 1. Controller Requirements
 - (a) On/off rain switch or other rain shut-off device that does not alter program
 - (b) Multiple programming capability
 - (c) Controllers capable of a minimum of 3 cycles per program
- 2. Valves: Flow control devices on all remote control valves (including a master valve).
- 3. Sprinklers
 - (a) Use of low-angle heads is encouraged.
 - (b) Pop-up sprinklers and shrub risers will be at a height to clear turf, trees, shrubs, other planting and objects such as fences, allowing no obstruction of spray pattern.
 - (c) Pop-up type shrub risers should be used in areas where pedestrian/auto traffic may occur. Drip irrigation should be used in areas between the curb and sidewalk and parking lot areas where over spray onto pavement may occur in accordance with manufactures recommendations.
 - (d) Low head drainage is to be eliminated or minimized through design or by use of check valves.
 - (e) Sprinkler heads shall be attached to rigid lateral lines with flexible material, swing joints to reduce potential for breakage.
- 3. Any device on a pressurized line (such as a quick-coupler valve) should be preceded by some type of isolation valve separate from the primary shut-off valve.

Chapter 35 Appendix B, Section 35-B107 (entitled ("Landscape Plans")) is hereby amended by adding the language that is underlined (added) to the existing text of said section as follows:

35-B107 Landscape plans
(b) Irrigation Installations

(6) State of Texas Licensed Irrigator seal with number clearly visible as required by state law and a letter from the Licensed Irrigator stating that the plan conforms to the irrigation design and equipment standards set out in 35-510(j) and 35-510(c)(6) attached to the submittal.

Chapter 35 Article V, Division 3, Section 35-476 (entitled ("Landscape Plans")) is hereby amended by adding the language that is underlined (added) and deleting the language that is stricken (~~deleted~~) to the existing text of said section as follows:

35-476 landscaping Plans

(d) Processing Procedures Prior to Certificate of Occupancy

(1) Generally

Except as provided below, no final certificate of occupancy shall be issued by the building official for the occupancy of a new or altered building unless the plant and screening materials required by this article have been provided. In addition a letter from a Licensed Irrigator certifying that the irrigation system was installed in accordance with the certified landscape plan prior to the issuance of a certificate of occupancy, the building official shall inspect the building site to verify compliance with the approved landscape plan.

SECTION 8. Amendment "H"

Chapter 35 Article IV, Division 3, Section 35-420 (entitled "Comprehensive, Neighborhood, Community and Perimeter") is hereby amended by adding the language that is underlined (added) and by deleting the language that is stricken (~~deleted~~) to the existing text of said section as follows:

35-420 Comprehensive, Neighborhood, Community and Perimeter Plans.

(h) Scope of Adopted Plan

Adoption as a component of the City's Master Plan gives Neighborhood Plans, Community Plans, and Perimeter Plans the legal effect of the Master Plan. The recommended comprehensive rezoning of an area shall be consistent with the adopted Neighborhood Plan, Community Plan or Perimeter Plan. In addition, the evaluation of rezoning requests for individual parcels shall be guided by the land use proposed in adopted Neighborhood, Community or Perimeter Plan. The provisions of this subsection shall apply only to Neighborhood Plans, Community Plans, and Perimeter Plans adopted by the City Council as amendments to the City's Master Plan. Previously adopted plans referenced herein by their title and date of adoption in which the comprehensive rezoning

of an area and rezoning requests of individual parcels shall be consistent (unless and until such plans are repealed or superseded by an amendment or a new plan adopted pursuant to this Section) are:

Adoption as a component of the City's Master Plan gives Neighborhood Plans, Community Plans, and Perimeter Plans the legal effect of the Master Plan. (unless and until such plans are repealed or superseded by an amendment or a new plan adopted pursuant to this Section as Master Plan component) For previously adopted plans referenced herein by their title and date of adoption and plans adopted pursuant to this section, the recommended comprehensive rezoning of an area and the evaluation of rezoning request for individual parcels shall be consistent with the adopted Neighborhood Plan, Community Plan or Perimeter Plan. The provisions of this subsection shall apply only to Neighborhood Plans, Community Plans, and Perimeter Plans adopted by the City Council as amendments to the City's Master Plan. Previously adopted Master Plan component plans are:

10. South Central San Antonio Community Plan (August 19, 2000 1999)

SECTION 9. Amendment "I".

Chapter 35 Appendix "B" Section 35-B101, (entitled "Specifications for Documents to be Submitted") is hereby amended by adding the language that is underlined (added) to the existing text of said section as follows:

35-B101 Specification for Documents to be Submitted Table B-1

TABLE B-1							
	A	B	C	D	E	F	G
	(A) MATERIAL/INFORMATION	MAJOR PLAT DEVELOPMENT DIAGRAM	PUD PLAN	MAJOR PLAT APPLICATION	MINOR PLAT APPLICATION	DEVELOPMENT PLAT APPLICATION	SPECIFIC USE PERMIT

TABLE B-1							
	A	B	C	D	E	F	G
	(A) MATERIAL/INFORMATION	MAJOR PLAT DEVELOPMENT APPLICATION	PUD PLAN	MAJOR PLAT APPLICATION	MINOR PLAT APPLICATION	DEVELOPMENT PLAT APPLICATION	SPECIFIC USE PERMIT
(24)	A storm water management plan (section 35-B119)	*	*	*	*	*	<u>*1</u>

*1 Specific Use Permits shall only require a storm water management plan when the site is located over the Edward Recharge Zone (ERZD).

35-B101 Specification for Documents to be Submitted

Table B-1

TABLE B-1							
	A	B	C	D	E	F	G
	(A) MATERIAL/INFORMATION	MAJOR PLAT DEVELOPMENT APPLICATION	PUD PLAN	MAJOR PLAT APPLICATION	MINOR PLAT APPLICATION	DEVELOPMENT PLAT APPLICATION	SPECIFIC USE PERMIT
(24)	A stormwater management plan (section 35-B119)	*	*	*	*	*	* <u>1</u>

*Specific Use Permits shall only require a storm water management plan when the site is located over the Edward Recharge Zone (ERZD).

1 **SECTION 10.** All other provisions of Chapter 35 of the City Code of San
2 Antonio shall remain in full force and effect unless expressly amended by this
3 ordinance.
4

5 **SECTION 11.** Should any Article, Section, Part, Paragraph, Sentence, Phase,
6 Clause, or Word of this ordinance, or any appendix thereof, for any reason be held
7 illegal, inoperative, or invalid, or if any exception to or limitation upon any
8 general provision herein contained be held to be unconstitutional or invalid or
9 ineffective, the remainder shall, nevertheless, stand effective and valid as if it had
10 been enacted and ordained without the portion held to be unconstitutional or
11 invalid or ineffective.
12

13 **SECTION 12.** Notice of these changes to the Unified Development Code shall
14 not require the publication in an official newspaper of general circulation as
15 required in Chapter 35 Article IV, Division, Table 403-1.
16

17 **SECTION 13.** The Publishers of the City Code and the Unified Development
18 Code are authorized to amend said Codes to reflect the changes adopted herein.
19

20 **SECTION 14.** This ordinance shall become effective ten (10) days after passage.
21

22
23
24 PASSED AND APPROVED this the 4th day of April, 2002.
25

26
27 *REFERENCE COPY NOT ORIGINAL DOC.*
28 *ORIGINAL COPY IN CITY CLERK'S OFFICE*
29

30 **M A Y O R**
31 **EDWARD D. GARZA**
32

33 **ATTEST:**

34 **City Clerk**
35

36
37 **APPROVED AS TO FORM:** _____
38 **City Attorney**
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